IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DARRELL JONES,	)	
	)	
Petitioner/Defendant,	)	
	)	
vs.	)	CIVIL NO. 05-405-GPM
	)	
UNITED STATES OF AMERICA,	)	CRIMINAL NO. 01-30154-GPM
	)	
Respondent/Plaintiff.	)	

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

The Court originally found that Petitioner knowingly and voluntarily waived his right to file a Section 2255 petition as part of his plea agreement (*see* Doc. 7); the Court reaffirmed that decision when denying Petitioner's motion for reconsideration (*see* Docs. 10, 12). Now before the Court is a second motion for reconsideration (Doc. 13), *see* FED. R. CIV. P. 59(e), in which Petitioner continues to disagree with the Court's finding. He promptly followed that motion with a motion to amend (Doc. 14), and the motion to amend is **GRANTED**; the Court will consider these arguments as well.

As previously noted, the Seventh Circuit Court of Appeals already found that Petitioner "knowingly and voluntarily signed the plea agreement and pled guilty." *United States v. Jones*, 381 F.3d 615, 619 (7th Cir. 2004). Accordingly, the Court remains persuaded that its ruling dismissing the case as barred by the waiver provision in the plea agreement was correct. Therefore, this second Rule 59(e) motion is **DENIED**.

Petitioner is now **ADVISED** that it would be futile for him to file yet another motion

pursuant to Rule 59(e). If he continues to disagree with the Court's decision, he may only challenge

that decision by filing a notice of appeal to the Seventh Circuit Court of Appeals. However, the

Court finds that Petitioner has not made "a substantial showing of the denial of a constitutional

right." 28 U.S.C. § 2253. Therefore, the Court **DECLINES** to issue a certificate of appealability

in this matter.

      IT IS SO ORDERED.

      DATED: 05/30/06

                                 s/ G. Patrick Murphy

                                 G. PATRICK MURPHY

                                 Chief United States District Judge